

HOUSE No. 641

By Mrs. Parente of Milford, petition of Marie J. Parente relative to motor vehicle homicide caused by sleep deprivation. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO MOTOR VEHICLE HOMICIDE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 24G of chapter 90 of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by adding after the
3 following subsection:—

4 (d) Whoever, upon any way or in any place to which the public
5 has a right of access or upon any way or in any way or in any
6 place to which members of the public have access as invitees or
7 licensees operation a motor vehicle having been awake for a
8 period of 24 hours or more and so operates a motor vehicle reck-
9 lessly or negligently so that the lives or safety of the public might
10 be endangered and by any such operation so described causes the
11 death of another person, shall be guilty of homicide by a motor
12 vehicle while sleep deprived shall be punished by imprisonment
13 in the state prison for not less than 2½ years nor more than
14 15 years and a fine of not more than \$5,000, or by imprisonment
15 in a jail or house of corrections for not less than 1 year nor more
16 than 2½ years and a fine of not more than \$5,000. The sentence
17 imposed upon such person shall not be reduced to less than 1 year,
18 nor suspended, nor shall any person convicted under this subsec-
19 tion be eligible for probation, parole, or furlough or receive any
20 deductions from his sentence until such person has served at least
21 1 year of such sentence; provided, however, that the commissioner
22 of correction may, on the recommendation of the warden, superin-
23 tendent, or other person in charge of a correctional institution, or

24 the administrator of a county correctional institution, grant to an
25 offender committed under this subsection a temporary release in
26 the custody of an officer of such institution for the following pur-
27 poses only: to attend the funeral of a relative; to visit a critically
28 ill relative; to obtain emergency medical or psychiatric services
29 unavailable at said institution; or to engage in employment pur-
30 suant to a work release program. Prosecutions commenced under
31 this section shall neither be continued without a finding nor
32 placed on file.